



Legislative Briefing

Setting the Census Right

Utah Gets Its Day in the U.S. Supreme Court

The Attorney General's Office is hoping to get a decision soon on the census after the March 27th hearing before the U.S. Supreme Court. The decision is expected no sooner than mid-May and no later than the end of June.

Attorney General Mark Shurtleff said it was a historic moment for Utah. "This is such an important issue. Utah deserves a fourth congressional seat and the Census Bureau's disregard for the law cost us that seat. We have to fight for what is fair or Utah will have the least amount of representation in the country. It's about fairness."

During the hour-long hearing, Utah argued that the Census Bureau gave North Carolina a congressional seat that should have gone to Utah because it used a type of sampling called "imputation." Among Utah's argument's were:

- The Constitution requires an "actual" count
- The Census Act prohibits sampling
- The Supreme Court has already ruled that sampling is illegal.

In court briefs, Utah argues the only difference between imputation and sampling is that imputation is less scientific and less reliable.

Chief Deputy Attorney General Ray Hintze said, "The justices asked a lot of tough questions, but we were prepared for all of the questions raised."

"Utah's argument went right to the heart of the Constitution and the Founding Fathers," said Shurtleff. "The issue is whether the federal government can arbitrarily disregard the rights of Utahns."

Operation Candyman

Attorney General investigators are taking part in an effort to dismantle a national computer-based pornography ring that targeted children. The Internet Crimes Against Children task force confiscated computers and conducted interviews for the nationwide sting called Operation Candyman. Since the Olympics, investigators have also arrested six adults for attempting to arrange on the Internet to have sex with a child.

Molester Sent to Prison

A 73-year-old former teacher was ordered to serve up to life in prison for molesting his four granddaughters. James E. Denos pleaded guilty to four counts of first-degree felony aggravated sexual abuse of a child. Assistant Attorney General Jason Perry prosecuted the case.

Fighting for State's Rights

A battle over a boat engine has launched a bigger brawl pitting the rights of states against the power of the federal government.

Utah Attorney General Mark Shurtleff has filed a friend of the court brief that asserts a federal statute can't be used to throw a state law overboard.

The case began with a tragic boating accident in Illinois in July of 1995. Jeanne Sprietsma was a passenger on a motor boat and fell into the water. She died after being struck by the boat's propeller, which was not equipped with a propeller guard.

The victim's family filed a wrongful death lawsuit, but the lower courts dismissed the suit saying the state common law was trumped by the Federal Boat Safety Act.

The U.S. Supreme Court has now agreed to decide whether a federal law can strip a state of its power to protect residents from unsafe products.

"This may seem like an unlikely case to defend states rights, but it is one more example of the feds trying to encroach on state autonomy," said Shurtleff. "I'm worried it will set a precedent that will allow the federal government to infringe on the rights of Utahns."

Shurtleff and the attorneys general in 16 other states have joined together to stop the federal government from overstepping its authority in this lawsuit.

A.G. Helps Start New Warning

The broadcast system used to warn people of severe weather will now be used to help find kidnapped children. Attorney General Mark Shurtleff has been working with Utah law enforcement officers and broadcasters so the Emergency Alert System can be used to immediately give details to viewers and listeners about a child kidnapping.

The Rachael Alert is named after Rachel Marie Runyon. The 3-year-old was kidnapped on August 26, 1982 while she was playing with her two brothers at a park in Sunset. Her body was found 24 days later in Weber Canyon.

"The sad fact is that 74 percent of abducted children who are killed, are murdered within three hours of being taken," said Shurtleff. "The Rachael Alert will give kids a fighting chance to survive."

So far 33 communities have implemented the program and Utah is the ninth state to offer it statewide. Using the plan in other areas has saved at least 16 children so far.

Club Drugs

Law enforcement will have two new tools to combat Utah's club drug problem.

- 1) The Legislature passed HB 72, which makes the abuse of nitrous oxide a Class A misdemeanor. Special thanks to those of you who supported this bill.
- 2) The Attorney General's Office and the Commission on Criminal and Juvenile Justice will soon release a club drug CD to all law enforcement agencies. The CD includes a training program for officers and a public education program that officers can use to educate community groups.

More Mentors = Less Crime

Local and national studies confirm that juvenile crime can be traced to the lack of positive consistent role models in the lives of our young people. The Attorney General and the Utah Mentor Partnership are encouraging Utahns to get involved by giving 1 hour per week to volunteer through a qualified mentor program. To become a partner in this effort please call Ally Warner, (801)

Gun Rule

The Attorney General is defending State law from a challenge brought by the University of Utah. The state's position is that the law is unmistakably clear: the Legislature has reserved all authority to make and enforce rules pertaining to firearms to itself, unless specifically delegated to local authorities or state entities. Brent Burnet, the Assistant Attorney General on the case, is filing a motion to ask the judge to dismiss the case and we hope the issue will be resolved in the next few months. There is no court date set at this time. For more info please visit www.attorneygeneral.utah.gov/highprofileissues.htm

Mortgage Scam Sentence

A Utah man was ordered to prison for defrauding about 100 investors out of approximately \$8.6 million. Insurance salesman Glen Miller pleaded guilty to felony counts of securities fraud and racketeering for pocketing money he promised to invest in legitimate securities. Asst. Attorney General Neal Gunnarson prosecuted.

Ex-Appraiser Sentenced

A former appraiser was sentenced to prison for defrauding more than 30 people who were trying to refinance their homes. Some people lost their homes after Brooks Bradshaw promised to get them refinancing for a fee. Asst. A.G. Charlene Barlow prosecuted.

Inventor Imposter Jailed

A man who claimed to have invented a Dick Tracy wrist watch communicator was sentenced to jail for defrauding investors. The judge ordered David Yurth to serve a year behind bars unless he could come up with a plan to pay victims more than \$150,000. Asst. Attorney General Richard Hamp prosecuted the case.

Prison Killer Loses Appeal

Admitted white supremacist Troy Kell lost his appeal before the Utah Supreme Court. He was sentenced to die for stabbing another inmate 67 times while in prison. Kell claimed he received an unfair trial because it was held in the prison. Assistant Attorney General Laura Dupaix argued to uphold the conviction.

Incest Conviction Upheld

The Utah Court of Appeals upheld David O. Kingston's conviction for incest and unlawful sexual conduct. Kingston's niece testified at the trial that she became her uncle's 15th wife when she was 16-years-old. Assistant Attorney General Laura Dupaix handled the appeal.

The Attorney General's Office represents the State in thousands of cases each year. If you need information on any matter being handled by our office, please call Ryan Mecham at 538-1948 or Attorney General Mark Shurtleff at 538-1191. Thank you.